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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/597,351 | 06/19/2000 | Uwe Bunte | 2598/207-150 | 4114 |

7590 03/06/2002

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EXAMINER

SAFAVI, MICHAEL

| ART UNIT | PAPER NUMBER |
|----------|--------------|
| 3635 | 10 |

DATE MAILED: 03/06/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | |
|------------------------|--------------------------------------|------------------------------|
| Advisory Action | Application No. 09/597,351 | Applicant(s) Bunte |
| | Examiner Michael Safavi | Art Unit 3635 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED Feb 5, 2002 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid the abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

THE PERIOD FOR REPLY [check only a) or b)]

- a) The period for reply expires 3 months from the mailing date of the final rejection.
- b) In view of the early submission of the proposed reply (within two months as set forth in MPEP § 706.07 (f)), the period for reply expires on the mailing date of this Advisory Action, OR continues to run from the mailing date of the final rejection, whichever is later. In no event, however, will the statutory period for the reply expire later than SIX MONTHS from the mailing date of the final rejection.

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. A Notice of Appeal was filed on _____ . Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. The proposed amendment(s) will be entered upon the timely submission of a Notice of Appeal and Appeal Brief with requisite fees.
3. The proposed amendment(s) will not be entered because:
 - (a) they raise new issues that would require further consideration and/or search. (See NOTE below);
 - (b) they raise the issue of new matter. (See NOTE below);
 - (c) they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) they present additional claims without cancelling a corresponding number of finally rejected claims.

NOTE: See attached sheet.

4. Applicant's reply has overcome the following rejection(s):

5. Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment cancelling the non-allowable claim(s).
6. The a) affidavit, b) exhibit, or c) request for reconsideration has been considered but does NOT place the application in condition for allowance because:

7. The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
8. For purposes of Appeal, the status of the claim(s) is as follows (see attached written explanation, if any):

 Claim(s) allowed: NONE

 Claim(s) objected to: NONE

 Claim(s) rejected: 1-12
9. The proposed drawing correction filed on Feb 5, 2002 a) has b) has not been approved by the Examiner.
10. Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____
11. Other:

Art Unit: 3635

NOTE: Cont'd. Proposed changes to each of claims 1, 4, 8, 11, and 12 present new issues which would require further search and consideration. Proposed changes to claims 1, 4, 8, 11, and 12 raise the issue of new matter, particularly with respect to "heat expansible". Proposed changes to the specification raise the issue of new matter. To this end, the passage alluded to by applicant, (i.e., lines 2-4 on page 2 of the specification), is directed to known prior art and merely recites "the expandible shaped element expands". There appears nothing within the instant specification which would serve to support the extensive changes and additions proposed by applicant.

1. The proposed drawing correction and/or the proposed substitute sheets of drawings, filed on February 05, 2002 have been disapproved. Applicant shall set forth any changes to the *originally filed* drawing sheets with clear indication of what is to be added and what is to be deleted.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to M. Safavi whose telephone number is (703) 308-2168.

M. Safavi
February 28, 2002



MICHAEL SAFAVI
PRIMARY EXAMINER
ART UNIT 354